

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JUL 13 1998

PATRICK FISHER
Clerk

WILLIAM E. COOPER,

Petitioner-Appellant,

v.

MICHAEL V. PUGH,

Respondent-Appellee.

No. 98-1084
(D.C. No. 97-D-2587)
(District of Colorado)

ORDER AND JUDGMENT*

Before **PORFILIO, KELLY**, and **HENRY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f) and 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

The district court properly concluded appellant failed to demonstrate the

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

inadequacy of the remedy available to him under 28 U.S.C. § 2255. We **AFFIRM** for the reasons stated by the district court in its order of dismissal. The mandate shall issue forthwith.

ENTERED FOR THE COURT

John C. Porfilio
Circuit Judge